

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PAUL W. THATCHER,

Plaintiff

v.

C-1-12-470

WARDEN LEBANON CORRECTIONAL
INSTITUTION, *et al.*,

Defendants

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 8) and plaintiff's objections thereto (doc. no. 21). The Magistrate Judge recommended that plaintiff's claims against LeCI's Warden, Mrs. White, Ms. Konlot, Mrs. Phipps, Dave Schwartz, Amy Weiss, Mr. Swisher, Mr. Harris, Mr. Smoot, Ms. Shoette, Mr. A. Augustine, Mr. R.D. Hammond, Ms. Gee Gee, M. Parraman and Dr. T. Heyd be dismissed with prejudice on the ground that plaintiff has failed to state a claim against these individuals upon which relief may be granted under 42 U.S.C. § 1983. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). The Magistrate Judge also recommended that plaintiff's

Complaint against defendants Dr. McWeeney, Dr. John R. DeMarais and Dr. O.Cataldi for deliberate indifference to his serious medical needs be allowed to proceed. *See* 28 U.S.C. § 1915(e)(2)(B).

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law.

Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Magistrate Judge.

Accordingly, the Court hereby ADOPTS AND INCORPORATES BY REFERENCE HEREIN the Report and Recommendation of the United States Magistrate Judge (doc. no. 8). Plaintiff's Complaint under 42 U.S.C. § 1983 against LeCI's Warden, Mrs. White, Ms. Konlot, Mrs. Phipps, Dave Schwartz, Amy Weiss, Mr. Swisher, Mr. Harris, Mr. Smoot, Ms. Shoette, Mr. A. Augustine, Mr. R.D. Hammond, Ms. Gee Gee, M. Parraman,

and Dr. T. Heyd is DISMISSED for failure to state a claim upon which relief may be granted. Plaintiff's Complaint against defendants Dr. McWeeney, Dr. John R. DeMarais and Dr. O.Cataldi for deliberate indifference to his serious medical needs shall proceed. Plaintiff's claims against LeCI's Warden, Mrs. White, Ms. Konlot, Mrs. Phipps, Dave Schwartz, Amy Weiss, Mr. Swisher, Mr. Harris, Mr. Smoot, Ms. Shoette, Mr. A. Augustine, Mr. R.D. Hammond, Ms. Gee Gee, M. Parraman and Dr. T. Heyd are DISMISSED WITH PREJUDICE on the ground that plaintiff has failed to state a claim against these individuals upon which relief may be granted under 42 U.S.C. § 1983. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Plaintiff's Complaint against defendants Dr. McWeeney, Dr. John R. DeMarais and Dr. O.Cataldi for deliberate indifference to his serious medical needs shall proceed. *See* 28 U.S.C. § 1915(e)(2)(B).

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court